

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (CHICAGO)

In re:

Igor Foltushanskiy and
Alla Foltushanskaya,
Debtors.

Chapter 7

No. 14-45048
Judge: A. Benjamin Goldgar

NOTICE OF MOTION

On February 20, 2015 I shall appear before the Honorable A. Benjamin Goldgar or any Judge sitting in their stead at 1:00 p.m. or as soon thereafter as counsel may be heard in 1792 Nicole Lane, Round Lake Beach, IL 60073 and shall then and there present this Motion of the undersigned, a copy of which is attached hereto and herewith served upon you, and shall pray for the entry of an Order in compliance therewith, at which time you may appear if you so desire.

Name: RANDALL MILLER & ASSOCIATES, LLC
Attorneys for Plaintiff
Address: 120 N. LaSalle St., Ste. 1140
Chicago, IL 60602
Attorney: ARDC#6314883

/s/ Jack Zaharopoulos
Attorney for Movant

Randall S. Miller & Associates, LLC
120 N. LaSalle St., Ste. 1140
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ARDC#6314883
Our File No. 14IL00131

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS**

In re:
Igor Foltushanskiy and
Alla Foltushanskaya,

Case No: 14-45048
Chapter: 7
Hon. Judge: A. Benjamin Goldgar

Debtors.

MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES Movant Capital One, N.A. by and through its attorneys, Randall S. Miller & Associates, LLC, and shows unto this Honorable Court as follows:

1. That Movant is the holder of a mortgage on the real property owned by the Debtor and located at 884 Horatio, Buffalo Grove, IL 60089, more particularly described as:

Lot 40 in Parkchester Estates, being a subdivision of part of sections 27, 28, 33, and 34 in township 43 North, Range 11, East of the third principal meridian, according to the plat thereof recorded November 20, 1989 as document number 2852525, in Lake County, Illinois.
PIN NUMBER: 15-33-220-009

2. That the Debtor filed Chapter 7 Bankruptcy on December 18, 2014.
3. That pursuant to Debtor's Statement of Intent, Debtors intend on retaining property.
4. That as of December 23, 2014, the mortgage was delinquent and owing from November 2013;
5. That pursuant to 11 U.S.C. §362 (d)(1), upon request of a party in interest, the Court shall grant relief from stay for cause, including lack of adequate protection of an interest in property of such party in interest;
6. That as of December 23, 2014 the total debt owed to Movant alone is approximately \$631,001.90; according to the debtors' schedules, the total liens on this property total \$1,311,437.00;
7. That, according to the Lake County Assessor, the total assessed value of this property is \$185,361.00. According to the Debtor's schedules, the approximate value of the Property is \$600,000.00. Using either value, the Debtors do not have any equity in this property;

WHEREFORE, Movant, its successors and assigns, respectfully requests that this court enter an Order Granting Relief from the Automatic Stay for good cause shown pursuant to 11 USC §362 (d)(1), and that entry of the order shall be effective immediately upon entry,

notwithstanding the provisions of FRBP §4001(a)(3), and whatever other relief the court deems just and equitable.

Respectfully Submitted,
Randall S. Miller & Associates, LLC

Dated: 1/14/2015

/s/ Jack Zaharopoulos (6314883)
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Chicago, IL 60602
jzaharopoulos@rsmalaw.com
(312) 239-3432

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below, as to the Trustee and Debtor(s) attorney via electronic notice on 1/14/2015 and as to the Debtors by causing same to be mailed in a properly addressed envelope, postage prepaid, from 120 N. LaSalle St., Chicago, IL 60602, before the hour of 5:00 PM on 1/14/2015

To Trustee:

Ilene F. Goldstein, Esq.
900 Skokie Blvd.
Suite 128

Northbrook, IL 60062

By Electronic Notice through ECF

To Attorney:

Galina R. Karpel
3000 Dundee Road
Suite 112

Northbrook, IL 60062

By Electronic Notice through ECF

To Debtors:

Igor Foltushanskiy
Alla Foltushanskaya
884 Horatio

Buffalo Grove, IL 60089

By U.S. Mail

/s/ Jack Zaharopoulos

Attorney for Movant

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